

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

NICHOLAS LABER,

Plaintiff,

vs.

MARTIN O'MALLEY, COMMISSIONER  
OF THE SOCIAL SECURITY  
ADMINISTRATION,

Defendant.

5:23-CV-05078-DW

ORDER GRANTING MOTION FOR  
COSTS AND EXPENSES AND  
ATTORNEYS' FEES AND COSTS

Plaintiff Nicholas Laber filed a motion for attorney's fees pursuant to 28 U.S.C. § 2412, the Equal Access to Justice Act ("EAJA"). (Doc. 16). The Defendant does not oppose the request. (Doc. 19). Accordingly, it is

ORDERED that Plaintiff's motion (Doc. 16) is granted. It is further

ORDERED that Plaintiff is entitled to costs in the sum of \$411.75 (comprised of \$402 in court filing fees and \$9.75 in copying costs) to be paid from the Judgment Fund pursuant to 28 U.S.C. § 1920. It is further

ORDERED that Plaintiff is entitled to attorney's fees in the sum of \$2,081.25 (comprised of \$1,959.75 in attorney's fees and \$121.50 in state and local sales tax on the attorney's fees) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. It is further

ORDERED that under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by the court belong to the Plaintiff and are subject to offset

under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B) (2006). It is further

ORDERED that the EAJA fees shall be paid to Plaintiff Nicholas Laber but delivered to Plaintiff's attorney, Michael Simpson, 1600 Mountain View Road, Suite 110, Rapid City, SD 57702.

DATED this 30th day of July, 2024.

BY THE COURT:



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DANETA WOLLMANN  
United States Magistrate Judge